

Rep. Nadler Investigates the Destruction of CIA Interrogation Tapes

Thursday, 20 December 2007

WASHINGTON, D.C. – Congressman Jerrold Nadler (NY-08), Chair of the Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties today issued the following statement at a Judiciary Committee hearing titled, “The Applicability of Federal Criminal Laws to the Interrogation of Foreign Detainees”:

“Mr. Chairman, I want to commend you for scheduling this timely hearing into some very disturbing reports.

It is important that we investigate these allegations carefully, because, if true, we may be facing the possibility of a dangerous and criminal abuse of power at the highest levels of our government.

“The matters at stake here are far from trivial.

“We have been investigating the abuse of prisoners in U.S. custody, as well as the practice of turning over individuals to other countries designated by our government as countries that routinely engage in torture.

“We have also investigated the practice of holding individuals, many of whom our government now concedes are innocent of any wrong doing, for years without any hearing.

“We have also investigated widespread spying on Americans without any legal authorization. We have been told that this surveillance was not a violation of the criminal law, but I admit I’m not sure how that can be the case.

“At every turn, we have run into a concerted effort to stonewall the public, the Congress, and the courts. They have refused to testify, withheld vital information, and flouted subpoenas.

“Today, we examine perhaps the most disturbing of all allegations; that our government destroyed tapes of interrogations which employed what are euphemistically called ‘extreme interrogation techniques,’ and what civilized people call torture.

“These tapes clearly spoke to many of the cases and questions that the Congress, the public and the 9/11 Commission have debated, including the lawfulness of the interrogation methods, and evidence for proceedings against those held as ‘unlawful enemy combatants.’ The destruction of these tapes may have occurred in violation of a court order, and while it was known that the matter was under investigation. They were concealed from the 9/11 Commission, the Intelligence Committee, and the Congress. These tapes may have been relevant in at least one criminal prosecution, and their destruction may ultimately result in the release of a convicted terrorist.

“These actions raise some very disturbing questions the answers to which may determine whether we remain a nation of law:

– Who ordered the destruction of the tapes and why?

– Who knew about the existence of the tapes and their destruction?

– What did the President and the Vice President know and when did they know it?

– Who in the White House was involved in the decisions leading up to the destruction of these tapes?

– What other evidence, if any, has been concealed or destroyed?

– Did the destruction of the tapes constitute a crime, and if so, who is criminally liable?

– Did the acts recorded in the tapes constitute a crime?

– Were any of the decisions made by our government and Congress, including the decision to declare detainees not to be prisoners of war, or to allow the President to define retroactively what constitutes illegal torture, made to protect people in this administration from prosecution for criminal acts?

“These are very disturbing questions, and ones to which we need answers.

“Mr. Chairman, in times of crisis, it is always beneficial to remember the principles upon which this nation was founded.

“It was John Adams who observed that ‘power always thinks...that it is doing God's service when it is violating all His laws.’

“We are a nation of laws, and we are a free and democratic nation. But, as we are often reminded, freedom isn’t free. Today is a day when we must decide whether we are going to pursue the difficult questions and protect our freedoms.

“I look forward to the testimony of our witnesses, and I thank our Chairman again for calling this important and timely hearing.”

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